

# Court of Appeals, State of Michigan

## ORDER

People of MI v Martell Lee Washington

Docket No. 353473

LC No. 15-007453-01-FC

Anica Letica  
Presiding Judge

Michael J. Riordan

Thomas C. Cameron  
Judges

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The motion to waive fees is GRANTED for this case only.

Pursuant to MCR 7.205(E)(2), the circuit court's October 16, 2019 order denying defendant's motion for relief from judgment is VACATED, and the matter REMANDED for reconsideration of the motion. The circuit court misunderstood the first substantive issue raised by the motion. Defendant challenges whether he was given timely notice of the prosecutor's intent to seek an enhanced sentence as is required by MCL 769.13, and whether trial counsel was ineffective for failing to raise the issue below. Defendant did not challenge the general jurisdiction of the court over the case. With regard to the remaining issues raised in the motion, contrary to the circuit court's conclusion, none of these issues were presented in defendant's direct appeal. See *People v Washington*, unpublished order of the Court of Appeals, issued August 8, 2017 (Docket No. 332077). Thus, MCR 6.508(D)(2) does not present a bar to consideration of any of defendant's claims of error. The matter is remanded for reconsideration of the motion. We remind the circuit court that if it again denies the motion pursuant to MCR 6.504(B)(2), the court's order must "include a concise statement of the reasons for the denial," as required by MCR 6.504(B)(2)." *People v Holmes*, 505 Mich 856 (2019).

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 28, 2020

Date



Chief Clerk